



**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

**IN THE MATTER OF:**

**JOSE LOPEZ,  
Complainant,**

**and**

**ALL-BRITE ANODIZING COMPANY,  
Respondent.**

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) **CHARGE NO: 2002 CA 2389**  
) **EEOC NO: 21 BA 21830**  
) **ALS NO: 12064**  
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**RECOMMENDED ORDER AND DECISION**

This matter is before me on my own motion, *sua sponte*, to dismiss this matter for Complainant's failure to prosecute this Complaint.

**FINDINGS OF FACT**

1. Complainant filed a Charge with the Department of Human Rights (Department) on April 10, 2002, amended December 3, 2002, alleging that Respondent discriminated against him in violation of the Illinois Human Rights Act, 775 ILCS 5/1-101 et.seq.
2. The Department filed a Complaint on behalf of the Complainant with the Illinois Human Rights Commission (Commission) on May 8, 2003.
3. The matter was scheduled for public hearing on June 25, 2003 at 2:00 p.m. Notice of the public hearing was sent to all Parties of record by certified mail.
4. On June 25, 2003, neither Party appeared for scheduled public hearing and the record indicated no motion for continuance or other motion had been filed.
5. I issued an order rescheduling the matter for July 8, 2003 at 10:00 a.m. and warning that failure of the Parties to appear may result in a recommended order for default or dismissal.
6. On July 8, 2003, Martin Neiman, President and non-attorney representative of Respondent appeared; Complainant did not appear.
7. I issued an order continuing the matter until July 23, 2003 at 2:00 p.m. and ordering both Parties to appear at that time. The order warned that failure of Complainant to appear would result in my entertaining a motion to dismiss the matter for want of prosecution.
8. On July 23, 2003, Respondent appeared through non-attorney representative; Complainant did not appear. Judge Brent entered an order setting the matter over until August 12, 2003 at 10:00 a.m. and ordering both Parties to be present. The order warned that a motion to dismiss would be considered if Complainant failed to appear.

9. On August 12, 2003, Respondent appeared by non-attorney representative; Complainant did not appear.

### **CONCLUSION OF LAW**

The failure of Complainant to appear for the scheduled hearing dates has resulted in unreasonable delay, justifying dismissal of this Complaint with prejudice.

### **DISCUSSION**

Section 5300.750(e) of the Procedural Rules of the Illinois Human Rights Commission authorizes a recommendation for dismissal with prejudice where a party fails to appear at a scheduled hearing without requesting a continuance reasonably in advance, or unreasonably refuses to comply with any Order entered, or otherwise engages in conduct which unreasonably delays or protracts the proceedings. Similarly, 775 ILCS 5/8A-102(I)(6) authorizes a recommended order of dismissal, with prejudice, or of default as a sanction for a party's failure to prosecute his case, appear at a hearing, or otherwise comply with this Act, the rules of the Commission, or a previous Order of the Administrative Law Judge.

The record indicates that Complainant failed to appear for the scheduled initial public hearing date set for June 25, 2003. Additionally, Complainant has ignored Commission orders to appear for scheduled hearing dates on July 8, 2003; July 23, 2003; and August 12, 2003. As Complainant has taken no steps to indicate his desire to pursue this matter, I can take no other action in this case except to dismiss the Complaint.

### **RECOMMENDATION**

Accordingly, I recommend that this Complaint and the underlying Charge be dismissed with prejudice.

### **HUMAN RIGHTS COMMISSION**

BY: \_\_\_\_\_  
**SABRINA M. PATCH**  
**Administrative Law Judge**  
**Administrative Law Section**

**ENTERED: August 14, 2003**